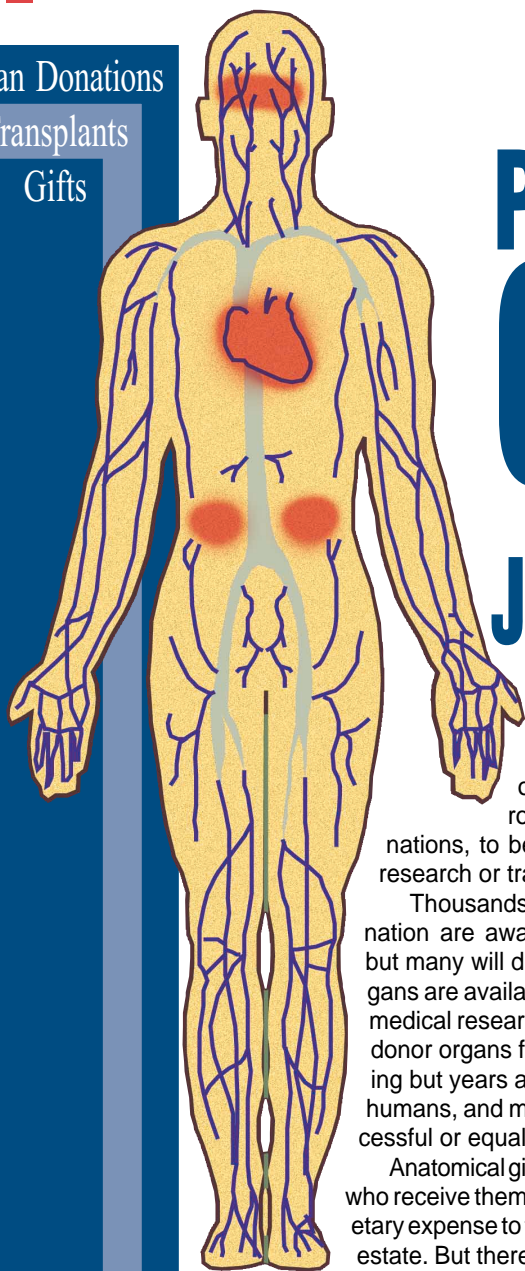


## Organ Donations Transplants Gifts



# Planning Your Gift of Life

**J**UST a little planning is all that's needed to participate in the growing success of donor programs that, indeed, provide the gift of life. Anatomical gifts include organ, tissue, bone marrow and entire body donations, to be used for transplants, research or training.

Thousands of patients across the nation are awaiting organ donations, but many will die before transplant organs are available. For some patients, medical research leading to the use of donor organs from animals is promising but years away from actual use in humans, and may never prove as successful or equal to human organs.

Anatomical gifts are priceless to those who receive them, yet they incur no monetary expense to the donor or the donor's estate. But there are some legal issues and definitions that are important to understand before becoming part of such a donor program.

## Who May Donate?

Most donor programs include the full array of internal organs, skin, blood and body fluids, and may include the entire body of an adult, child or fetus.

An individual at least 18 years of age may make, limit or refuse to make an anatomical gift. If the deceased has not refused a donation, others in the following priority may make a donation decision: The decedent's spouse, adult son or daughter, parent, grand-

parent or guardian of the person of the decedent; and under special conditions by a coroner or medical examiner.

Sometimes infections or medications may make donations impossible. Therefore, a physician of record may determine eligibility for donation.

## State Your Wishes

Organ donation often is an emotional and critical issue, and should be discussed with family and friends to ensure the wishes of the patient are honored. Too often, people avoid discussing their desires, and family members who may be opposed to organ donations likewise avoid the issue.

It is best that divided opinions within a family be surfaced so they may be resolved. Sometimes an outside professional, such as a clergyman, may be helpful in resolving issues of conscience or religion.

## How to Donate

Persons wishing to make anatomical gifts should express those desires through a written document signed by the donor or, if unable to sign, then signed by another before two witnesses in the presence of and at the oral direction of the donor. This may include any form of communication during terminal illness or injury addressed to a physician or surgeon. "Document" includes a last will and testament, and the will need not be probated.

Most attorneys would not recommend that organ donations be made through a last will and testament, because the declarations made in a will may either be unknown to physicians and next of kin or the will may not be readily available for action at the time of death. Normally for transplantation, an organ must be retrieved from the body shortly after death, and reading about the donation in a will a week or two after death precludes the donation from ever happening.

Steven Chucala is chief of client services in the Office of the Staff Judge Advocate at Fort Belvoir, Va.

Additionally, wills often present vague declarations of what the testator wanted as to the donation.

## Making a Legal Donation

The person receiving the donation may be a designated individual for transplantation or therapy; or a hospital, physician, surgeon or procurement organization for transplantation or therapy. The donation might also go to an accredited medical or dental school, or a college or university for education, research or advancement of medical or dental science.

The purchase or sale for valuable consideration of a part for transplantation or therapy is prohibited, if the removal of the part is intended to occur after death. Valuable consideration does not include the reasonable payment for the removal, preservation, quality control, transportation or implantation of a part.

Violations are punishable as a felony with a fine of up to \$50,000.00 and five years' confinement.

## The Donation Process

An organ may be removed after the attending physician or surgeon determines and certifies the time of death. However, the person who declares death may not participate in the organ removal or transplantation, unless the donor's document specifies that the same physician or surgeon will do so.

Organ and tissue recovery is done with the same kind of respect as any surgical procedure. The donor is taken to the operating room and retained on the ventilator until the organs and tissue are removed. Costs directly related to the donation process are covered by the organ-procurement organization. Funeral costs re-

main the responsibility of the family or the deceased's estate.

## Communicate Your Intentions

To avoid doubts and to ensure that organ donations occur, each person should execute an Anatomical Gift Declaration statement rather than relying on oral remarks made during a lifetime or a simple notation on an automobile operator's license.

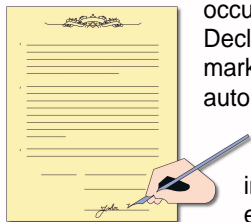
A specific, written declaration should identify which organs are being donated, whether to an individual or to an institution, which institution, and even the purpose — transplantation, training or research.

Your nearest legal assistance office can provide the declaration form or assist you in composing a declaration.

The detailed declaration eliminates doubts, demonstrates the genuine and thought-out intent to donate, and provides the best method to achieve the donor's wishes.

It will also clarify any doubts held by the next of kin as to the donor's true intentions.

Provide copies of your Anatomical Gift Declaration to all parties concerned. Relatives and friends should be told of the completed declaration and its location so they can ensure timely action on your wishes. Storing the declaration in a safety deposit box, thus limiting relatives' access to the document, will only delay any action on your wishes. □



**MORE INFORMATION**

Soldiers and family members who have questions about organ or body donations can receive medical guidance and other referrals from the Army-Navy Transplant Service at Walter Reed Army Medical Center; call (202) 782-6462 or (DSN) 662-6462. Such other organizations as the American Medical Association can provide valuable information and assistance.